

Notice of Allowability

Application No.

09/719,424

Examiner

Callie E. Shosho

Applicant(s)

KAMIYAMA ET AL.

Art Unit

1714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 7/10/03 and declaration filed 7/31/03.

2. ☒ The allowed claim(s) is/are 8-11.

3. ☐ The drawings filed on _____ are accepted by the Examiner.

4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

(a) ☐ The translation of the foreign language provisional application has been received.

6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

8. ☐ CORRECTED DRAWINGS must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No. _____

(b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.

(c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1 ☐ Notice of References Cited (PTO-892)

3 ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

5 ☐ Information Disclosure Statements (PTO-1449), Paper No. _____

7 ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

2 ☐ Notice of Informal Patent Application (PTO-152)

4 ☒ Interview Summary (PTO-413), Paper No. _____

6 ☒ Examiner's Amendment/Comment

8 ☒ Examiner's Statement of Reasons for Allowance

9 ☐ Other

Examiner's Amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

(1) Claim 8, line 6, after "and", change "0.2" to "2".

(2) Claim 10, line 4, after "salt" and before "m", insert "wherein".

2. Authorization for this examiner's amendment was given in a telephone interview with Sheldon Landsman on 9/26/03.

Statement of Reasons for Allowance

3. The present claims are allowable over the "closest" prior art Ueda et al. (U.S. 5,886,098), Fukumoto et al. (U.S. 5,096,995), Kawakami et al. (U.S. 5,574,101), and EP 278500 for the following reasons:

(a) Ueda et al. disclose formed resin article formed from resin composition comprising resin composition comprising 2.91-38.8% polyamide elastomer, i.e. polyetherester amide, 60-97% graft copolymer which is obtained by polymerizing monomers including styrene and acrylonitrile in the presence of polymer such as polybutadiene, 0-40% modified vinyl type polymer including copolymers containing at least one ethylenically unsaturated monomer wherein the polymer contains at least one functional group such as carboxyl, epoxy, or amino group, and alkali metal salt. It is further disclosed that the polyetherester amide is made by reacting polyol such as polyethylene glycol with aminocarboxylic acid or lactam.

However, there is no disclosure or suggestion in Ueda et al. of alkali metal salt of dodecylbenzenesulfonic acid as required in all the present claims. Rather, Ueda et al. disclose the use of alkali metal salt such as potassium chloride or sodium chloride.

Applicants' have submitted 1.132 declaration filed 7/31/03 which compares formed resin article formed from resin composition within the scope of the present claims, i.e. comprising 2% sodium dodecylbenzenesulfonate, with formed resin article formed from resin composition outside the scope of the present claims, i.e. comprising potassium chloride or sodium chloride. It is shown that the formed resin article of the present invention is superior in terms of electrostatic

coatability. Thus, the declaration is successful in establishing unexpected or surprising results over the cited prior art.

(b)Fukumoto et al. disclose formed resin article formed from resin composition comprising 1-40% polyamide elastomer, i.e. polyetherester amide, 1-95% graft copolymer which is obtained by polymerizing monomers including styrene and vinyl cyanide in the presence of rubbery polymer, 1-95% modified vinyl type polymer including copolymers containing at least one ethylenically unsaturated monomer wherein the polymer contains at least one functional group such as carboxyl, epoxy, or amino group, and 0.1% alkali metal salt such as sodium dodecylbenzenesulfonic acid. It is further disclosed that the polyetherester amide is made by reacting polyol with aminocarboxylic acid or lactam.

However, Fukumoto et al. only disclose the use of 0.1% alkali metal salt of dodecylbenzenesulfonic acid which falls outside the scope of the present claims which all now require 2-5% alkali metal salt of dodecylbenzenesulfonic acid (see paragraph 1 above and attached Interview Summary).

Further, applicants' declaration filed 7/31/03 compares resin composition within the scope of the present claims, i.e. 2% sodium dodecylbenzenesulfonate, with formed resin article formed from resin composition outside the scope of the present claims, i.e. comprising 0.1% sodium dodecylbenzenesulfonate. It is shown that the formed resin article of the present invention is superior in terms of electrostatic coatability.

(c) Kawakami et al. disclose resin composition which has excellent permanent antistatic properties wherein the composition comprises acrylic resin, polyamide elastomer, and alkali metal salt of dodecylbenzenesulfonic acid. However, there is no disclosure or suggestion of rubber-reinforced aromatic vinyl resin or modified vinyl polymer containing at least one functional group as required in all the present claims.

(d) EP 278500 disclosed formed resin article produced from composition comprising polyamide, modified vinyl polymer, and rubber reinforced aromatic vinyl resin. However, there is no disclosure or suggestion that the formed resin article has an electrostatic coating or any disclosure or suggestion of alkali metal salt of dodecylbenzenesulfonic acid as required in all the present claims. Further, EP 278500 discloses polyamide which is different than the polyamide elastomer presently claimed. Additionally, the rubber-modified aromatic vinyl resin is present in amount of 15-42% which is outside the scope of the present claims.

Thu, it is clear that Ueda et al., Fukumoto et al., Kawakami et al., and EP 278500, either alone or in combination, do not disclose or suggest the present invention.

Further, applicants' amendment filed 7/10/03 overcomes the 35 USC 112 rejection of record.

Art Unit: 1714

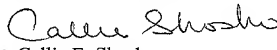
In light of the above, it is clear that the rejections of record are untenable and so, the present claims are passed to issue.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Callie E. Shosho whose telephone number is 703-305-0208. The examiner can normally be reached on Monday-Friday (6:30-4:00) Alternate Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 703-306-2777. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.


Callie E. Shosho
Primary Examiner
Art Unit 1714

CS
9/27/03